

January 30, 1992 LB 671

Hillman.

SENATOR HILLMAN: Madam Chairman, I have a question for Senator Lindsay, if he would please.

SENATOR LINDSAY: Yes.

SENATOR HILLMAN: Senator Lindsay, in the amendment number two, the declarant is determined by the attending physician and one other consulting physician, does that add now another physician to this process?

SENATOR LINDSAY: It does, I'm sorry, and I probably ought to amend that because there is a separate question...there's a separate question of whether a second opinion should be required. That is unintentional, that being included in this amendment, because that is a separate policy choice. The intent of this amendment was simply to have the family involved. So as far as amendment striking that at this point, at this point I would have no objection to it.

SENATOR HILLMAN: Okay, thank you.

PRESIDENT MOUL: Thank you, Senator Hillman. Senator Ashford, followed by Senator Landis. Senator Ashford. Senator Landis.

SENATOR LANDIS: For those of you who have a copy of 671, I hope you get it out, because the argument I'm going to make now actually goes to the green copy, and you don't understand without looking at the green copy. You also need to open up the Journal and take a look at page 564. The last page of the Journal amendment, line 11 on page 564 says, on page 8 of the bill strike lines 1 through 8. And above it you can see the language that's added to the bill, but it doesn't return any of the rest of the language in 1 through 8. Notice what sentence is being struck and not being returned to the bill, lines 3 through 8. When the declaration becomes operative the attending physician and other health care providers shall act in accordance with its provisions and with the instructions of a designee, under subsection 1 of Section 4 of this act, or to comply with the transfer requirements of Section 10 of the act. The affirmative obligation of the doctor, the nursing home either to carry out the living will or to transfer the patient is contained in lines 3 through 8, and they're being struck by this amendment. I would urge you to vote against the amendment.